

RESOLUTION NO. 2958

A RESOLUTION OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION MAKING CERTAIN DETERMINATIONS AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION WITH THE DRINKING WATER STATE REVOLVING FUND AND AUTHORIZING FINANCIAL ASSISTANCE PAYMENTS TO CERTAIN MUNICIPALITIES TO FUND ELIGIBLE DRINKING WATER PROJECTS FROM FUNDS APPROPRIATED FOR WATER INFRASTRUCTURE IMPROVEMENT PROJECTS

WHEREAS, pursuant to the New York State Environmental Facilities Corporation Act, being Chapter 744 of the Laws of 1970 constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated Laws of the State of New York, as amended (the "Act"), the New York State Environmental Facilities Corporation (the "Corporation") has been established as a body corporate and politic constituting a public benefit corporation; and

WHEREAS, pursuant to Chapter 413 of the Laws of New York of 1996, as amended (the "DWSRF Act") and the 1996 Act to reauthorize and amend title XIV of the Public Health Service Act , Public Law 104-182 (the "Safe Drinking Water Act"), the Drinking Water State Revolving Fund (the "DWSRF") was established in the custody of the Corporation; and

WHEREAS, the Corporation is charged with providing low cost financing to eligible recipients while maintaining the fiscal integrity of the DWSRF; and

WHEREAS, each of the applicants listed in **Exhibit A** hereto has submitted an application to the Corporation for financial assistance under the DWSRF Act and the Safe Drinking Water Act, for the purpose of financing or refinancing water supply projects undertaken and completed or to be undertaken and completed by such applicants; and

WHEREAS, each of the water supply projects proposed to be financed or refinanced by such applicants through the short-term interest-free, short-term market-rate or long-term financings and/or additional subsidies descriptions of which are set out in **Exhibit A** hereto (collectively, the " DWSRF Projects"), constitute an "eligible project" within the meaning of the DWSRF Act and the Save Drinking Water Act, including but not limited to amendments under BIL, as certified to the Corporation by the New York State Department of Health; and

WHEREAS, the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58 (2021), also referred to as the Bipartisan Infrastructure Law, ("IIJA" or "BIL") reauthorizes and amends funding levels and certain provisions in the Safe Drinking Water Act; and

WHEREAS, with respect to the amounts identified in **Exhibit A**, the Corporation has, where necessary, identified funds available in excess of the amounts listed in the Intended Use Plan (the "IUP") or has made such moneys available through by-pass as provided in the IUP; and

WHEREAS, with respect to the short-term market-rate financings, available funds within the DWSRF have been identified, and in the future the Corporation may seek the Board of Directors' approval to issue its Corporation Bonds to fund any such projects; and

WHEREAS, the Corporation desires to provide such short-term interest-free, short-term market-rate or long-term interest-free financings to the respective applicants, in accordance with the terms and conditions set forth in **Exhibit A**, and as will be more fully set forth in the closing documents for the financings (the "Direct Financings"); and

WHEREAS, the New York State Water Infrastructure Improvement Act of 2015, being Part G of Chapter 60 of the Laws of 2015 ("WIIA 2015"), and the Clean Water Infrastructure Act of 2017, being Part T of Chapter 57 of the Laws of 2017 (the "Infrastructure Act"), each authorizes and directs the Corporation to provide financial assistance payments ("Grants"), from funds appropriated for such purpose, to municipalities in support of water quality infrastructure projects; and

WHEREAS, \$400 million was appropriated over a three-year period for the purposes of WIIA 2015, and no less than \$1 billion was appropriated for purposes of funding water infrastructure improvement projects under the Infrastructure Act; and

WHEREAS, subsequent annual appropriations have been made available for the purpose of providing Grants to municipalities in support of water infrastructure improvement projects;

WHEREAS, preference for award of Grants shall be given to municipalities that meet the Corporation's hardship criteria and projects that result in the greatest water quality improvement or greatest reduction in serious risk to public health; and

WHEREAS, the Department of Health has completed an evaluation of the projects set forth in **Exhibit B** (hereinafter referred to as the "WIIA Projects"), determined that each WIIA Project constitutes an eligible "water quality infrastructure project" as defined in WIIA, and otherwise meets the criteria for award of a WIIA Grant; and

WHEREAS, the Corporation desires to provide WIIA Grants to the applicants listed in **Exhibit B** in support of water quality infrastructure projects in accordance with WIIA and subject to continuing compliance with applicable law as will be more fully set forth in the closing documents for the financing of each WIIA Project.

WHEREAS, pursuant to WIIA, a municipality is not required to accept DWSRF financing from the Corporation to receive a WIIA Grant; however, municipalities often seek DWSRF financing in addition to their WIIA grant to fund the total cost of their project; and

WHEREAS, for any DWSRF Project or WIIA Project subject to Article 6 of the Environmental Conservation Law, or the State Smart Growth Public Infrastructure Policy Act, the President has attested in a written Smart Growth Impact Statement that the project meets the relevant criteria as set forth in the Smart Growth Public Infrastructure Policy Act to the extent practicable or, if a Project does not meet the relevant criteria and compliance is considered impracticable, has provided a detailed statement of justification; and

NOW, THEREFORE, BE IT RESOLVED BY THE DIRECTORS OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION, AS FOLLOWS:

SECTION 1. SHORT-TERM AND LONG-TERM FINANCINGS AND ADDITIONAL SUBSIDIES

A. The Corporation has reviewed the information supplied by each financing applicant set forth in **Exhibit A**, in connection with its application for DWSRF financial assistance, and the Corporation hereby determines that it would be impracticable or inadvisable to finance all or a portion of the costs of the DWSRF Projects from the proceeds of bonds or notes that are special obligations of the Corporation. The filing of the determination contained in this Section 1.A in accordance with, and to the extent required by, applicable law and regulations by or at the direction of an officer of the Corporation is hereby authorized and confirmed.

B. To accomplish the purposes of the Act the Safe Drinking Water Act, and the DWSRF Act, and to provide for the financing or refinancing of the DWSRF Projects, the Corporation is hereby authorized to provide the Direct Financings and/or the grants, from monies in the DWSRF, to the applicants listed in **Exhibit A** in compliance with applicable law. Each Direct Financing shall be in a principal amount not exceeding the principal amount set forth opposite the name of the applicant in **Exhibit A** and shall bear interest at rates not in excess of those set forth in **Exhibit A**. Each short-term Direct Financing and shall mature not later than five years from the date of the closing of such short-term Financing, and each long-term Direct Financing shall mature not later than thirty years from the date of the closing of such long-term Direct Financing. Principal amounts and maturities are to be determined by either the President, any Vice President, Chief Financial Officer, General Counsel or Controller (collectively, the "Authorized Officers") of the Corporation.

The Corporation is further authorized to guarantee the payment of each short-term market-rate financing from monies and assets held in the DWSRF, each short-term market-rate financing shall be in a principal amount not exceeding the principal amount set forth opposite the name of the applicant in **Exhibit A**; shall mature not later than five years from the date of the closing of such short-term market-rate financing; and shall initially bear interest at a rate or rates not in excess of those set forth in **Exhibit A** and as may be determined by any Authorized Officer from time to time in accordance with the provisions of the financing agreement. Each short-term market-rate financing shall remain eligible to compete for and receive an interest rate subsidy if authorized in the current IUP and in the event that the project score so qualifies under such IUP, which subsidy shall be provided in accordance with the provisions of the financing agreement. Further, if authorized in the IUP, each short-term market-rate financing remains eligible to apply for a zero-interest rate (hardship) determination and receive an interest rate subject to and in accordance with the applicable IUP.

C. The Authorized Officers and the Secretary to the Corporation are each hereby authorized to prepare, execute, acknowledge and deliver to each applicant a financing agreement for such applicant's Direct Financing (including any grant), in such form as shall be determined by any Authorized Officer, with such amendments, supplements, changes, insertions and omissions as may be approved by any Authorized Officer. The Chief Financial Officer and the Secretary to the Corporation are each hereby authorized to affix the seal of the Corporation on such documents and attest the same. The execution of such documents by an Authorized Officer or the Secretary to the Corporation shall be conclusive evidence of any approval or determination authorized or required by this Section 1.C or by Section 1.B of this Resolution.

SECTION 2. FINANCIAL ASSISTANCE PAYMENTS (WIIA GRANTS)

A. The Corporation has reviewed the information supplied by each applicant set forth in **Exhibit B** in connection with its application for a WIIA Grant.

B. To accomplish the purposes of WIIA and provide financial assistance payments to the WIIA Project recipients, the Corporation is hereby authorized to provide WIIA Grants, from appropriated funds to the applicants set forth in **Exhibit B** subject to continuing compliance with applicable law.

C. The Authorized Officers are each hereby authorized to determine the amount of each WIIA Grant (which amount shall not exceed the amounts authorized herein) and the terms thereof.

SECTION 3. GENERAL

A. All covenants, stipulations, obligations and agreements of the Corporation contained in this Resolution, and in any agreement, prepared pursuant to this Resolution, shall be deemed to be the covenants, stipulations, obligations and agreements of the Corporation to the full extent authorized or permitted by law, and such covenants, stipulations, obligations and agreements shall be binding upon the Corporation and its successors from time to time and upon any board or body to which any powers or duties affecting such covenants, stipulations, obligations and agreements shall be transferred by or in accordance with law. Except as otherwise provided in this Resolution, all rights, powers and privileges conferred and duties and liabilities imposed upon the Corporation by the provisions of this Resolution, or by any financing agreement prepared pursuant to this Resolution, shall be exercised or performed by the Corporation or by such directors, officers, board or body as may be required by law to exercise such powers and to perform such duties.

B. No covenant, stipulation, obligation or agreement contained in this Resolution, or in any agreement prepared pursuant to this Resolution, shall be deemed a covenant, stipulation, obligation or agreement of any director, officer, agent or employee of the Corporation in his or her individual capacity and neither the Directors of the Corporation nor any Authorized Officer or the Secretary to the Corporation executing any such financing agreement shall be liable personally thereon or be subject to personal liability by reason of the execution thereof.

C. The amount of each WIIA Grant (which amount shall not exceed the amounts authorized herein) and the terms thereof shall be determined by Authorized Officers.

D. The Authorized Officers and the Secretary to the Corporation are each individually authorized and directed to execute and deliver any such other agreements or instruments, to do and cause to be done any such other acts and things, and to make such other changes, omissions, insertions, revisions or amendments to each of the documents referred to in this Resolution as they may determine to be necessary or proper for carrying out, giving effect to and consummating the transactions contemplated by this Resolution and any financing agreement prepared pursuant to this Resolution.

E. This Resolution shall take effect immediately.

DWSRF Direct Financing

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Market-Rate Financing Maximum Principal Amount</u>	<u>Maximum Amount Additional Subsidy</u>	<u>Interest Rate</u> (not to exceed)
18757	Brocton (V)	Chautauqua	\$395,520	N/A	6%

This project consists of replacement of approximately 3,400 LF of 8" watermain on Central Avenue. The project is defined by the engineering report entitled "Engineering Report – Map, Plan and Report" dated October 2021 by the engineering firm Clark Patterson Lee, as may be updated, amended, supplemented, and approved by the Agency.

BY: /s/
Kate Siobhan Howard
Secretary to the Corporation

RESOLUTION NO. 2959

A RESOLUTION OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION AMENDING THE PRIOR AUTHORIZATIONS FOR FINANCIAL ASSISTANCE TO BE PROVIDED BY THE CORPORATION TO CERTAIN RECIPIENTS IN CONNECTION WITH THE CLEAN WATER STATE REVOLVING FUND

Extension of the Financing Maturity Date
Dutchess County Water and Wastewater Authority - Project No. C3-7338-04-00

WHEREAS, by Resolution No. 2512, adopted on September 14, 2017, the Board of Directors (the "Board") authorized a five-year short-term market-rate financing to be made by the Corporation to the Dutchess County Water and Wastewater Authority for a maximum principal amount not to exceed \$4,094,500; and

WHEREAS, on September 20, 2017, the Public Authorities Control Board ("PACB") adopted Resolution No. 17-EF-723 approving the financing; and

WHEREAS, the Board authorized a funding increase for the project on November 12, 2020 through adoption of Resolution 2779 and PACB approved the amendment on November 18, 2020 through adoption of Resolution 20-EF-723A; and

WHEREAS, the financing is set to mature on May 10, 2023; and

WHEREAS, the Board desires to amend the financial assistance authorized to the Dutchess County Water and Wastewater to extend the maturity date so that it can be included in the Corporation's 2023 Pool, as set forth herein.

Funding Increase, Modification of the Project Scope, and
Extension of the Financing Maturity Date
LeRoy (V) - Project No. C8-6494-04-00

WHEREAS, by Resolutions Nos. 2551 and 2552 adopted on April 12, 2018, the Board authorized a five-year short-term interest-free financing and a WIIA award to be made by the Corporation to the Village of LeRoy for a total maximum principal amount not to exceed \$9,000,000; and

WHEREAS, on April 18, 2018, PACB adopted Resolution No. 18-EF-736 approving the financing; and

WHEREAS, the project costs have increased and additional funding is necessary to complete construction of the project; and

WHEREAS, the original scope of the project has expanded to include Phase 2 work; and

WHEREAS, the financing is set to mature on May 17, 2023 and additional time is needed to complete the project; and

WHEREAS, the Board desires to authorize an increase in the aggregate maximum principal amount, modification of the project scope, and an extension of the maturity date for the Village of LeRoy's financing, as set forth herein.

Funding Increase and Extension of the Financing Maturity Date
Wayne County Water and Sewer Authority - Project No. C8-6506-03-00

WHEREAS, by Resolution No. 2760, adopted on August 13, 2020, the Board authorized a short-term interest-free and market-rate financing to be made by the Corporation to the Wayne County Water and Sewer Authority for a maximum principal amount not to exceed \$36,995,940; and

WHEREAS, on September 9, 2020, PACB adopted Resolution No. 20-EF-809 approving the financing; and

WHEREAS, the overall cost of the project has increased and additional funding is necessary in order to complete construction of the project; and

WHEREAS, the financing is set to mature on September 24, 2025 and additional time is needed to complete the project; and

WHEREAS, the Board desires to authorize an increase in the maximum principal amount of the financing and an extension of the maturity date for the financing provided to Wayne County Water and Sewer Authority as set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION, AS FOLLOWS:

Section 1. The Board hereby authorizes extension of the maturity date of the financing provided to the Dutchess County Water and Wastewater from May 10, 2023 to December 31, 2023. All other authorizations, determinations, terms and conditions contained in Resolution No. 2512, and any amendments relating thereto, shall remain in effect.

Section 2. The Board hereby authorizes an increase in the aggregate maximum principal amount of the financing previously authorized to the Village of LeRoy and modification of that financing's project scope as set forth in Exhibit B. The Board further authorizes extension of the financing's maturity from May 17, 2023 to May 17, 2024. All other authorizations, determinations, terms and conditions contained in Resolutions Nos. 2551 and 2552, and any amendments relating thereto, shall remain in effect.

Section 3. The Board hereby authorizes the increase in the maximum principal amount of the financing previously authorized to the Wayne County Water and Sewer Authority, as set forth in Exhibit C. The Board further authorizes extension of the financing's maturity date from September 24, 2025 to September 24, 2027. All other authorizations, determinations, terms and conditions contained in Resolution No. 2760, and any amendments relating thereto, shall remain in effect.

Section 4. This Resolution shall take effect immediately.

Exhibit A

Short-Term Interest-Free

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Interest Rate</u>
C3-7338-04-00	Dutchess County Water and Wastewater Authority	Dutchess	\$2,255,682	0%

Project Description

This project consists of design and construction of improvements to the Greenfields Wastewater Treatment Plant and collection system. The project is defined by the engineering report entitled "Preliminary Engineering Report – Greenfields Sewer System WWTP" dated September 2016 by the engineering firm T&B Engineering, P.C., as may be updated, amended, supplemented, and approved by the Corporation.

Short-Term Market-Rate

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Market-Rate Financing Maximum Principal Amount</u>	<u>Interest Rate (not to exceed)</u>
C3-7338-04-00	Dutchess County Water and Wastewater Authority	Dutchess	\$2,225,681	4%

Project Description

This project consists of design and construction of improvements to the Greenfields Wastewater Treatment Plant and collection system. The project is defined by the engineering report entitled "Preliminary Engineering Report – Greenfields Sewer System WWTP" dated September 2016 by the engineering firm T&B Engineering, P.C., as may be updated, amended, supplemented, and approved by the Corporation.

Exhibit B

Short-Term Interest-Free

<u>Project Numbers</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term</u> <u>Interest-Free</u> <u>Financing Maximum</u>	<u>Interest Rate</u>
			<u>Principal Amount</u>	
C8-6494-04-00	LeRoy (V)	Genesee	\$7,250,000	0%

Project Description

This project consists of planning, design and construction of wastewater treatment plant (WWTP) rehabilitation and improvements. The project is defined in the engineering reports entitled "Village of LeRoy Wastewater Treatment Evaluation" dated June 2016 and "LeRoy Wastewater Treatment Facility Disinfection Study" dated May 2022 by the engineering firm Clark Patterson Lee, as may be updated, amended, supplemented, and approved by the Corporation.

Exhibit C

Short-Term Interest-Free

<u>Project Numbers</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Interest Rate</u>
C8-6506-03-00	Wayne County Water and Sewer Authority	Wayne	\$37,125,000	0%

Project Description

This project consists of planning, design and construction of a regional wastewater water treatment plant to serve four neighboring municipalities. The project is defined by the engineering report entitled “Preliminary Engineering Report – Western Wayne County Regional WWTP” dated September 2017 by the engineering firms MRB Group and GHD, as may be updated, amended, supplemented, and approved by the Corporation.

Short-Term Market-Rate

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Short-Term Market-Rate Financing Maximum Principal Amount</u>	<u>Interest Rate</u> (not to exceed)
C8-6506-03-00	Wayne County Water and Sewer Authority	Wayne	\$38,375,000	4%

Project Description

This project consists of planning, design and construction of a regional wastewater water treatment plant to serve four neighboring municipalities. The project is defined by the engineering report entitled “Preliminary Engineering Report – Western Wayne County Regional WWTP” dated September 2017 by the engineering firms MRB Group and GHD, as may be updated, amended, supplemented, and approved by the Corporation.

BY: /s/
Kate Siobhan Howard
Secretary to the Corporation

RESOLUTION NO. 2960

A RESOLUTION OF THE NEW YORK STATE
ENVIRONMENTAL FACILITIES CORPORATION MAKING
CERTAIN DETERMINATIONS AND AUTHORIZING CERTAIN
ACTIONS IN CONNECTION WITH THE CLEAN WATER STATE
REVOLVING FUND

WHEREAS, pursuant to the New York State Environmental Facilities Corporation Act, being Chapter 744 of the Laws of 1970 constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated Laws of the State of New York, as amended (the "Act"), the New York State Environmental Facilities Corporation (the "Corporation") has been established as a body corporate and politic constituting a public benefit corporation; and

WHEREAS, pursuant to Chapter 565 of the Laws of New York of 1989, as amended (the "CWSRF Act"), the Clean Water State Revolving Fund ("CWSRF") was established in the custody of the Corporation; and

WHEREAS, the Corporation is charged with providing low-cost financing to eligible recipients while maintaining the fiscal integrity of the CWSRF; and

WHEREAS, each of the applicants listed in **Exhibit A** hereto has submitted an application to the Corporation for financial assistance under the CWSRF Act, for the purpose of financing or refinancing projects eligible for assistance under the Federal Water Pollution Control Act (the "Clean Water Act") 33 USC 1383 (c), and undertaken and completed or to be undertaken and completed by such applicants; and

WHEREAS, the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58 (2021) , also referred to as the Bipartisan Infrastructure Law, ("IIJA" or "BIL") reauthorizes and amends funding levels and certain provisions in the Clean Water Act; and

WHEREAS, each project proposed to be financed or refinanced by such applicants through the short-term interest-free, short-term market-rate or long-term financings and/or additional subsidies descriptions of which are set out in **Exhibit A** hereto (collectively, the "CWSRF Projects") constitute an "eligible project" within the meaning of the CWSRF Act and the Clean Water Act, including, but not limited to, amendments under BIL; and

WHEREAS, with respect to the amounts identified in **Exhibit A**, the Corporation has, where necessary, identified funds available in excess of the amounts listed in the Intended Use Plan (the "IUP") or has made such moneys available through by-pass as provided in the IUP; and

WHEREAS, with respect to the short-term market-rate financings, available funds within the CWSRF have been identified, and in the future the Corporation may seek the Board of Directors' approval to issue its Corporation Bonds to fund any such projects; and

WHEREAS, the Corporation desires to provide such short-term interest-free, short-term market-rate or long-term interest-free financings to the respective applicants, in accordance with the terms and conditions set forth in **Exhibit A**, and as will be more fully set forth in the closing documents for the financings (the "Direct Financings"); and

WHEREAS, for any CWSRF Project subject to Article 6 of the Environmental Conservation Law, or the State Smart Growth Public Infrastructure Policy Act, the President has attested in a written Smart Growth Impact Statement that the project meets the relevant criteria as set forth in the Smart Growth Public Infrastructure Policy Act to the extent practicable or, if a Project does not meet the relevant criteria and compliance is considered impracticable, has provided a detailed statement of justification; and

NOW, THEREFORE, BE IT RESOLVED BY THE DIRECTORS OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION, AS FOLLOWS:

SECTION 1. SHORT-TERM AND LONG-TERM FINANCINGS AND GRANTS

A. The Corporation has reviewed the information supplied by each financing applicant, set forth in **Exhibit A**, in connection with its application for CWSRF financial assistance, and the Corporation hereby determines that it would be impracticable or inadvisable to finance all or a portion of the costs of the CWSRF Projects from the proceeds of bonds or notes that are special obligations of the Corporation. The filing of the determination contained in this Section 1.A in accordance with, and to the extent required by, applicable law and regulations by or at the direction of an officer of the Corporation is hereby authorized and confirmed.

B. To accomplish the purposes of the Act, the Clean Water Act, and the CWSRF Act, and to provide for the financing or refinancing of the CWSRF Projects, the Corporation is hereby authorized to provide the Direct Financings and/or the additional subsidies, from monies in the CWSRF, to the applicants listed in **Exhibit A** in compliance with applicable law. Each Direct Financing shall be in a principal amount not exceeding the principal amount set forth opposite the name of the applicant in **Exhibit A** and shall bear interest at rates not in excess of those set forth in **Exhibit A**. Each short-term Direct Financing shall mature not later than five years from the date of the closing of such short-term Direct Financing. Principal amounts and maturities are to be determined by either the President, any Vice President, Chief Financial Officer, General Counsel, or Controller (collectively, the "Authorized Officers") of the Corporation.

The Corporation is further authorized to guarantee the payment of each short-term market-rate financing from monies and assets held in the CWSRF, each short-term market-rate financing shall be in a principal amount not exceeding the principal amount set forth opposite the name of the applicant in **Exhibit A**; shall mature not later than five years from the date of the closing of such short-term market-rate financing; and shall initially bear interest at a rate or rates not in excess of those set forth in **Exhibit A** and as may be determined by any Authorized Officer from time to time in accordance with the provisions of the financing agreement. Each short-term market-rate financing shall remain eligible to compete for and receive an interest rate subsidy if authorized in the current IUP and in the event that the project score so qualifies under such IUP, which subsidy shall be provided in accordance with the provisions of the financing agreement. Further, if authorized in the IUP, each short-term market-rate financing remains eligible to apply for a zero-interest rate (hardship) determination and receive interest rate subject to and in accordance with the applicable IUP.

C. The Authorized Officers and the Secretary to the Corporation are each hereby authorized to prepare, execute, acknowledge and deliver to each applicant a financing agreement for such applicant's Direct Financing (including any grants), in such form as shall be determined by any Authorized Officer, with such amendments, supplements, changes, insertions and omissions as may be approved by any Authorized Officer. The Chief Financial Officer and the Secretary to the Corporation are each hereby authorized to affix the seal of the Corporation on such documents and attest the same. The execution of such documents by an Authorized Officer or the Secretary to the Corporation shall be conclusive evidence of any approval or determination authorized or required by this Section 1.C or by Section 1.B of this Resolution.

SECTION 2. GENERAL

A. All covenants, stipulations, obligations and agreements of the Corporation contained in this Resolution, and in any agreement prepared pursuant to this Resolution, shall be deemed to be the covenants, stipulations, obligations and agreements of the Corporation to the full extent authorized or permitted by law, and such covenants, stipulations, obligations and agreements shall be binding upon the Corporation and its successors from time to time and upon any board or body to which any powers or duties affecting such covenants, stipulations, obligations and agreements shall be transferred by or in accordance with law. Except as otherwise provided in this Resolution, all rights, powers and privileges conferred and duties and liabilities imposed upon the Corporation by the provisions of this Resolution, or by any financing agreement prepared pursuant to this Resolution, shall be exercised or performed by the Corporation or by such directors, officers, board or body as may be required by law to exercise such powers and to perform such duties.

B. No covenant, stipulation, obligation or agreement contained in this Resolution, or in any agreement prepared pursuant to this Resolution, shall be deemed a covenant, stipulation, obligation or agreement of any director, officer, agent or employee of the Corporation in his or her individual capacity and neither the Directors of the Corporation nor any Authorized Officer or the Secretary to the Corporation executing any such financing agreement shall be liable personally thereon or be subject to personal liability by reason of the execution thereof.

C. The Authorized Officers and the Secretary to the Corporation are each individually authorized and directed to execute and deliver any such other agreements or instruments, to do and cause to be done any such other acts and things, and to make such other changes, omissions, insertions, revisions or amendments to each of the documents referred to in this Resolution as they may determine to be necessary or proper for carrying out, giving effect to and consummating the transactions contemplated by this Resolution and any financing agreement prepared pursuant to this Resolution.

D. This Resolution shall take effect immediately.

Exhibit A

CWSRF Direct Financings

Long-Term Interest-Free Financings:

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Long-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Maximum Amount Additional Subsidy</u>	<u>Interest Rate</u>
C7-6344-21-00	Oswego (C)	Oswego	\$7,436,058	N/A	0%

Project Description

This project consisted of planning, design and construction of electrical, mechanical and software upgrades at the City of Oswego's two wastewater treatment plants (WWTP). The project is defined by the engineering report entitled "Eastside Wastewater Treatment Plant Asset Management Plan Improvements" dated June 16, 2017 and revised January 10, 2019 by the engineering firm Jacobs and was approved by the New York State Department of Environmental Conservation (NYSDEC) on March 15, 2019 and made eligible by the New York State Environmental Facilities Corporation (NYSEFC) on March 19, 2019. The project is further defined by two sets of plans and specifications. One document is entitled "Eastside Wastewater Treatment Plant AMP Improvements" dated May 2019 by the engineering firm Jacobs that were approved by the NYSDEC on May 29, 2019 and made eligible by the NYSEFC on May 31, 2019. The second document is entitled "SCADA Improvements" dated June 2019 by the engineering firm GHD Consulting Services that were approved by the NYSDEC on May 9, 2019 and made eligible by the NYSEFC on September 12, 2019.

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Long-Term Interest-Free Financing Maximum Principal Amount</u>	<u>Maximum Amount Additional Subsidy</u>	<u>Interest Rate</u>
C4-5489-05-00	Troy (C)	Rensselaer	\$4,800,652	N/A	0%

Project Description

This project consisted of planning, design and construction of combined sewer overflow (CSO) abatement projects constructed in the Cities of Troy, Albany and Cohoes in support of the Albany Pool Combined Sewer Overflow Long Term Control Plan (LTCP). The project is defined by the engineering report entitled “Albany Pool CSO Long Term Control Plan” dated October 2013 by the Albany Pool Joint Venture Team that was approved by the New York State Department of Environmental Conservation (NYSDEC) on January 15, 2014 and made eligible by the New York State Environmental Facilities Corporation (NYSEFC) on November 9, 2015.

The project is further defined by the following plans and specifications:

- BMP-08 entitled “North Interceptor Regulator Optimization Project” originally dated September 30, 2016 and revised February 2017 by the Albany Pool Joint Venture Team. The NYSDEC approved the original version on October 27, 2016. The revised documents were made eligible by the NYSEFC on January 14, 2022.
- BMP-10 entitled “Outside Community Sewer Meter Project” originally dated September 29, 2017, revised February 2018 and further revised January 2019 by the engineering firm CDM Smith. The original documents were approved by the NYSDEC on November 20, 2017 and the revised documents were approved by the NYSDEC on February 8, 2019 and made eligible by the NYSEFC on June 10, 2019.
- BMP-12 entitled “Bouck Street Regulator Optimization Project” dated May 2018 by the engineering firm CHA that were approved by the NYSDEC on May 18, 2018 and made eligible by the NYSEFC on May 21, 2019.
- GI-05 entitled “Route 32 Corridor and Green Infrastructure Improvements” dated October 1, 2015 by the engineering firm Weston & Sampson that were approved by the NYSDEC on October 13, 2015 and made eligible by the NYSEFC on February 1, 2017.
- SSS-05 entitled “Middle Vliet Street Overflow Abatement and Flood Mitigation Project” originally dated September 29, 2016 and revised February 15, 2017 by the engineering firm CHA. The original version was approved by the NYSDEC on February 10, 2016. The revised documents were made eligible by the NYSEFC on March 6, 2017.
- SSS-06 entitled “Mariette Place Sewer Separation and Stormwater Storage Project” originally dated October 6, 2016 and revised January 2017 by the engineering firm Barton & Loguidice. The NYSDEC approved the original version on December 27, 2016. The revised set was made eligible by the NYSEFC on March 13, 2019.
- SSS-07 entitled “Hoosick Street Stormwater Separation Project Phase II” originally dated September 29, 2017 and revised February 2018 by the engineering firm CDM Smith. The NYSDEC approved the original version on November 1, 2017. The revised set was made eligible by the NYSEFC on October 15, 2019.
- SSS-08 entitled “124th Street Stream Separation Project” dated February 2019 by the engineering firm CDM Smith that were approved by the NYSDEC on February 21, 2019 and made eligible by the NYSEFC on June 10, 2019.

- BY: /s/
Kate Siobhan Howard
Secretary to the Corporation

RESOLUTION NO. 2961

**A RESOLUTION OF THE NEW YORK STATE ENVIRONMENTAL
FACILITIES CORPORATION AUTHORIZING FINANCIAL ASSISTANCE
PAYMENTS TO SELECTED MUNICIPALITIES TO FUND ELIGIBLE
INTERMUNICIPAL WATER INFRASTRUCTURE PROJECTS**

WHEREAS, pursuant to the New York State Environmental Facilities Corporation Act, being Chapter 744 of the Laws of 1970, constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated Laws of the State of New York, as amended (the "Act"), the New York State Environmental Facilities Corporation (the "Corporation") has been established as a body corporate and politic constituting a public benefit corporation; and

WHEREAS, the Clean Water Infrastructure Act of 2017, being Part T of Chapter 57 of the Laws of 2017 (the "Infrastructure Act") enacted Public Authorities Law Section 1285s to establish the New York State Intermunicipal Water Infrastructure Grants Program ("IMG"), which authorizes and directs the Corporation to provide financial assistance payments, from funds appropriated for such purpose, for intermunicipal water quality infrastructure projects that serve multiple municipalities and may include a shared water quality infrastructure project or interconnection of multiple municipal water quality infrastructure projects ("IMG Grants"); and

WHEREAS, the Infrastructure Act, invested no less than \$150 million for purposes of IMG Grants and subsequent annual appropriations are available for additional support for intermunicipal water infrastructure projects; and

WHEREAS, pursuant to the IMG, a municipality is not required to accept State Revolving Fund financing from the Corporation to receive an IMG Grant; and

WHEREAS, the Corporation has completed an evaluation of the projects set forth in Exhibit A (hereinafter referred to as the "Projects"), determined that the Projects each constitute an eligible "water quality infrastructure project" as defined in Public Authorities Law Section 1285-s, and otherwise meets the criteria for award of an IMG Grant; and

WHEREAS, the Corporation desires to provide IMG Grants to the applicant listed in Exhibit A in support of water quality infrastructure projects in accordance with Public Authorities Law Section 1285-s and subject to continuing compliance with applicable law as will be more fully set forth in the closing documents for the financing of the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE DIRECTORS OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION, AS FOLLOWS:

Section 1. Financial Assistance Payments (Grants)

A. The Corporation has reviewed the information supplied by the applicant set forth in Exhibit A in connection with its application for an IMG Grant.

B. To accomplish the purposes of the Infrastructure Act and Public Authorities Law Section 1285-s and provide financial assistance payments to the Project recipient, the Corporation is hereby authorized to provide an IMG Grant, from appropriated funds to the applicant set forth in Exhibit A subject to continuing compliance with applicable law.

The financial assistance payment shall not exceed the maximum amount of IMG Grant set forth in Exhibit A as approved under this Section 1.B.

Section 2. General

A. All covenants, stipulations, obligations and agreements of the Corporation contained in this Resolution, and in any agreement prepared pursuant to this Resolution, shall be deemed to be the covenants, stipulations, obligations and agreements of the Corporation to the full extent authorized or permitted by law, and such covenants, stipulations, obligations and agreements shall be binding upon the Corporation and its successors from time to time and upon any board or body to which any powers or duties affecting such covenants, stipulations, obligations and agreements shall be transferred by or in accordance with law. Except as otherwise provided in this Resolution, all rights, powers and privileges conferred and duties and liabilities imposed upon the Corporation by the provisions of this Resolution, or by any financing agreement prepared pursuant to this Resolution, shall be exercised or performed by the Corporation or by such directors, officers, board or body as may be required by law to exercise such powers and to perform such duties.

B. No covenant, stipulation, obligation or agreement contained in this Resolution, or in any agreement prepared pursuant to this Resolution, shall be deemed a covenant, stipulation, obligation or agreement of any director, officer, agent or employee of the Corporation in his or her individual capacity and neither the Directors of the Corporation nor any Authorized Officer executing any such agreement shall be liable personally thereon or be subject to personal liability by reason of the execution thereof.

C. The amount of each IMG Grant (which amount shall not exceed the amounts authorized herein) and the terms thereof shall be determined by either the President, any Vice President, Chief Financial Officer or the Controller (collectively, the "Authorized Officers"). The Authorized Officers and the Secretary of the Corporation are each individually authorized and directed to execute and deliver any such other agreements or instruments, to do and cause to be done any such other acts and things, and to make such other changes, omissions, insertions, revisions or amendments to each of the documents referred to in this Resolution as they may determine to be necessary or proper for carrying out, giving effect to and consummating the transactions contemplated by this Resolution and any agreement prepared pursuant to this Resolution.

D. This Resolution shall take effect immediately.

Exhibit A

Financial Assistance Payment Recipients

<u>Project Number</u>	<u>Applicant</u>	<u>County</u>	<u>Maximum Grant Amount</u>
C8-6506-03-00	Wayne County Water and Sewer Authority	Wayne	\$30,000,000

Project Description

This project consists of planning, design and construction of a regional wastewater water treatment plant to serve four neighboring municipalities. The project is defined by the engineering report entitled “Preliminary Engineering Report – Western Wayne County Regional WWTP” dated September 2017 by the engineering firms MRB Group and GHD, as may be updated, amended, supplemented, and approved by the Corporation.

BY: /s/
Kate Siobhan Howard
Secretary to the Corporation

RESOLUTION NO. 2962

**A RESOLUTION OF THE NEW YORK STATE ENVIRONMENTAL
FACILITIES CORPORATION AUTHORIZING THE TRANSFER OF
CERTAIN FUNDS TO THE NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION AND ESTABLISHING THE
TERMS AND CONDITIONS THEREOF**

WHEREAS, the New York State Environmental Facilities Corporation ("EFC"), a public benefit corporation established by Chapter 744 of the Laws of 1970, and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated Laws of the State of New York, as amended (the "Act"), is the custodian of the Clean Water State Revolving Fund ("CWSRF") pursuant to §1285-j of the Act; and

WHEREAS, the New York State Department of Environmental Conservation ("DEC"), an agency of the State of New York, is empowered to conserve, improve and protect the State's natural resources and environment; and

WHEREAS, EFC, through its administration of the CWSRF, and DEC each undertake activities to enhance water quality in the State; and

WHEREAS, DEC has requested that EFC transfer to DEC certain funds related to the CWSRF to enable DEC to undertake certain water quality activities.

NOW, THEREFORE, BE IT RESOLVED BY THE DIRECTORS OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION, AS FOLLOWS:

SECTION 1. FUNDING AND TERM

Commencing upon the effective date of this resolution and continuing until March 31, 2023, the President of EFC is hereby authorized to pay or cause to be paid to DEC up to \$3,500,000 for State Fiscal Year 2023.

The funds to be paid hereunder shall be transferred to an account held by the Office of the State Comptroller upon written request received from an authorized representative of DEC.

SECTION 2. CONDITIONS TO FUNDING

The funding authorized in Section 1 above is subject to the following conditions:

A. Prior to receiving any payments under Section 1 above, DEC's Director of Management and Budget shall certify to EFC in writing that DEC is fully authorized to accept funds paid to it hereunder and to apply such funds in the manner described herein.

B. The Federal Capitalization Grant relating to the year in which any payment is to be made shall permit the use of CWSRF non-program funds in the manner described herein.

C. DEC's use of the funds paid hereunder is limited to "water quality purposes" as permitted by the Clean Water Act and the rules, regulations and guidance related thereto, including, without limitation, 70 FR 61039 (collectively, the "CWSRF Rules"). The certification referred to in Section 2.A above shall include a representation by such official that funds paid hereunder are eligible for transfer under, and will be used for, water quality activities in a manner consistent with, the CWSRF Rules.

D. Prior to receiving any payments under Section 1 above, DEC will provide EFC with separate time and activity data regarding the use of funds paid under Section 1 adequate to demonstrate compliance with the CWSRF Rules.

E. EFC's source of funds for the payments authorized hereunder shall be limited to administrative fees it collects from recipients of CWSRF financial assistance to the extent such fees are not considered program income under the CWSRF Rules.

F. DEC shall maintain the position of Mechanic with Division of Operations at the DEC Fleet Facility – to provide maintenance for EFC vehicles.

SECTION 3. TERMINATION OF FUNDING

A. In the event the source of funds referred to in Section 2.E above is inadequate to provide payment at the time payment is required to be made, the authorization in Section 1 shall be deemed to be revoked permanently.

B. The authorization in Section 1 shall be deemed to be revoked permanently in the event that the CWSRF Rules are revised with the effect of prohibiting EFC from complying with the terms hereof.

SECTION 4. MISCELLANEOUS

The President and Controller are hereby authorized and directed to execute and deliver any such other documents, agreements, instruments, certificates or affidavits, to do and cause to be done any such other acts and things as they may determine are necessary or proper for carrying out, giving effect to and consummating the transactions contemplated by this Resolution.

This Resolution shall take effect immediately upon its adoption.

BY: /s/
Kate Siobhan Howard
Secretary to the Corporation